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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/084,468	02/28/2002	Toshiro Shibamura	826.1798	4994
21171	7590	03/28/2007		
STAAS & HALSEY LLP SUITE 700 1201 NEW YORK AVENUE, N.W. WASHINGTON, DC 20005			EXAMINER ABEL JALIL, NEVEEN	
			ART UNIT	PAPER NUMBER
			2165	

SHORTENED STATUTORY PERIOD OF RESPONSE	MAIL DATE	DELIVERY MODE
3 MONTHS	03/28/2007	PAPER

**Please find below and/or attached an Office communication concerning this application or proceeding.**

If NO period for reply is specified above, the maximum statutory period will apply and will expire 6 MONTHS from the mailing date of this communication.

<b>Office Action Summary</b>	Application No. 10/084,468	Applicant(s) SHIBANUMA ET AL.	
	Examiner Neveen Abel-Jalil	Art Unit 2165	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

#### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

#### Status

- 1) ☒ Responsive to communication(s) filed on 22 February 2006.
- 2a) ☐ This action is **FINAL**.                      2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

#### Disposition of Claims

- 4) ☒ Claim(s) 1-10 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-10 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

#### Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

#### Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All    b) ☐ Some \* c) ☐ None of:
1. ☒ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- \* See the attached detailed Office action for a list of the certified copies not received.

#### Attachment(s)

- |  |   |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)  | 4) <input type="checkbox"/> Interview Summary (PTO-413)<br>Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)   | 5) <input type="checkbox"/> Notice of Informal Patent Application                       |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08)<br>Paper No(s)/Mail Date <u>2/28/2007</u> . | 6) <input type="checkbox"/> Other: _____  |

### DETAILED ACTION

1. In view of the Appeal Brief filed on February 22, 2006, PROSECUTION IS HEREBY REOPENED. *A new ground of rejection is set forth below.*

To avoid abandonment of the application, appellant must exercise one of the following two options:

(1) file a reply under 37 CFR 1.111 (if this Office action is non-final) or a reply under 37 CFR 1.113 (if this Office action is final); or,

(2) request reinstatement of the appeal.

If reinstatement of the appeal is requested, such request must be accompanied by a supplemental appeal brief, but no new amendments, affidavits (37 CFR 1.130, 1.131 or 1.132) or other evidence are permitted. See 37 CFR 1.193(b)(2).

2. Claims 1-10 are now pending.

### *Claim Objections*

3. Claims 4, 6, 7, and 10 are objected to because of the following informalities:

Claims 4, 6, 7, and 10 all recite the intended use “so that”, “used by”, “for causing”, and “in order to” which do not actually have to take place; therefore, do not necessarily carry patentable weight since they never have to occur/happen. Claims should be amended to recite more direct and positive language (i.e. “to”, “is”, “that”, “which”, “storage medium implemented on a computer to generate” etc.). Appropriate correction is required.

*Claim Rejections - 35 USC § 112*

4. The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

5. Claims 1, 5, 6, and 7 are rejected under 35 U.S.C. 112, second paragraph, as being incomplete for omitting essential elements,

There appears to be no nexus between the preamble of those claims “recited limitation of “extracted content” and “sorted in an order of newer arrivals”” and the body of the claim. There are not steps/elements of “extracting” and/or “sorting” in the body of the claim resulting an omitted steps/elements, such omission amounting to a gap between the elements. See MPEP § 2172.01.

*Claim Rejections - 35 USC § 102*

6. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

7. Claims 1-10 are rejected under 35 U.S.C. 102(e) as being anticipated by Meyer et al. (U.S. Patent No. 7,178,099 B2).

As to claims 1, 5, 6, and 7, Meyer et al. discloses an apparatus generating list display data where contents extracted from registration information are sorted in an order of newer arrivals, comprising:

an attribute setting unit setting a display attribute as a predetermined type of font or a predetermined color of background of a list display target for contents of the list display target based on a relationship between a date on which the contents are registered and a current date (See column 7, lines 1-6, and column 7, lines 18-26); and

a data generating unit generating list display data of the contents of the list display target by using the set display attribute (See Figure 7A, and see column 4, lines 22-28, also see column 12, lines 38-54).

As to claims 2, and 8, Meyer et al. discloses wherein said attribute setting unit sets a display attribute of contents whose registered date is the current date as a display attribute that is different from a display attribute of contents whose registered date is a preceding date or earlier (See Figure 6, steps 604-612, and see Figure 7A, shows displayed dates in variant color and font).

As to claims 3, and 9, Meyer et al. discloses wherein said attribute setting unit sets a display attribute of the contents according to a number of days elapsed from the date on which the contents are registered to the current date (See column 3, lines 45-52, and see column 11, lines 36-59).

As to claims 4, and 10, Meyer et al. discloses comprising a data transmitting unit externally transmitting the list display data generated by said data generating unit so that an external device displays the list display data (See column 8, lines 20-35, wherein date based metadata information is extracted from the Web and transmitted to client computer for display).

Alternatively, the claims are rejected under:

8. Claims 1-10 are rejected under 35 U.S.C. 102(e) as being anticipated by Dumais et al. (U.S. Patent No. 7,176,243 B2).

As to claims 1, 5, 6, and 7, Dumais et al. discloses an apparatus generating list display data where contents extracted from registration information are sorted in an order of newer arrivals, comprising:

an attribute setting unit setting a display attribute as a predetermined type of font or a predetermined color of background of a list display target for contents of the list display target based on a relationship between a date on which the contents are registered and a current date (See Figure 3, also see column 9, lines 37-41, and see column 11, lines 5-35); and

a data generating unit generating list display data of the contents of the list display target by using the set display attribute (See Figure 3, also see column 9, lines 54-67).

As to claims 2, and 8, Dumais et al. discloses wherein said attribute setting unit sets a display attribute of contents whose registered date is the current date as a display attribute that is

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different from a display attribute of contents whose registered date is a preceding date or earlier (See column 8, lines 64-67, and see column 9, lines 37-41).

As to claims 3, and 9, Dumais et al. discloses wherein said attribute setting unit sets a display attribute of the contents according to a number of days elapsed from the date on which the contents are registered to the current date (See Figure 3, also see column 9, lines 37-41, and see column 11, lines 5-35).

As to claims 4, and 10, Dumais et al. discloses comprising a data transmitting unit externally transmitting the list display data generated by said data generating unit so that an external device displays the list display data (See Figure 3, also see column 9, lines 37-41, and see column 11, lines 5-35).

### *Response to Arguments*

9. Applicant's arguments with respect to claims 1-10 have been considered but are moot in view of the new ground(s) of rejection.

### *Conclusion*

10. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

O'Neal (U.S. Patent No. 6,411,685 B1) teaches unified messaging to a user with a Web browser.

Davis et al. (U.S. Patent No. 5,576,755) teaches real-time electronic television programming guide.

Hughes (U.S. Patent No. 6,892,196) teaches user diary interface.

11. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Neveen Abel-Jalil whose telephone number is 571-272-4074. The examiner can normally be reached on 8:30AM-5:30PM EST.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Jeffrey A. Gaffin can be reached on 571-272-4146. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.



Neeven Abel-Jalil  
March 21, 2007